

HOUSE BILL 1183

R7

0lr2326

By: **Delegate Oaks**

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 2, 2010

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicles – Access to ~~and Removal of~~ Towed Vehicles**

3 FOR the purpose of requiring certain persons who take an abandoned vehicle into
4 custody to make the vehicle available to certain persons for certain purposes,
5 subject to certain oversight and limitations; ~~authorizing certain persons to~~
6 ~~refuse to allow removal of a towed vehicle until full payment has been made for~~
7 ~~towing and storage charges; requiring certain persons to accept certain forms of~~
8 ~~payment for outstanding towing or storage charges;~~ and generally relating to
9 access to ~~and removal of~~ towed vehicles.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 25–203
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2009 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Transportation**

18 25–203.

19 (a) A police department may take any abandoned vehicle into custody. For
20 this purpose, the police department may use its own personnel, equipment, and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 facilities or, subject to the provisions of subsection (b) of this section, use other
 2 persons, equipment, and facilities for removing, preserving, and storing abandoned
 3 vehicles.

4 (b) A police department may not authorize the use of a tow truck under
 5 subsection (a) of this section unless the tow truck is registered under § 13-920 of this
 6 article.

7 (c) (1) IN THIS SUBSECTION, "PERSON OF INTEREST" MEANS:

8 (i) THE OWNER OF A TOWED VEHICLE;

9 (ii) AN AGENT OF THE OWNER OF A TOWED VEHICLE;

10 (iii) AN AGENT OF AN INSURANCE COMPANY REPRESENTING
 11 ANY PARTY INVOLVED IN A COLLISION THAT RESULTED IN A
 12 POLICE-REQUESTED TOW;

13 (iv) A PERSON WHO HAS A SECURITY INTEREST IN A TOWED
 14 VEHICLE; OR

15 (v) ANY OTHER PERSON WHO IS ENTITLED TO USE AND
 16 POSSESSION OF A TOWED VEHICLE.

17 (2) A POLICE DEPARTMENT THAT TAKES AN ABANDONED
 18 VEHICLE INTO CUSTODY SHALL MAKE THE VEHICLE AVAILABLE TO A PERSON
 19 OF INTEREST FOR:

20 ~~(i) REMOVAL TO ANOTHER LOCATION FOR REPAIR,~~
 21 ~~STORAGE, OR DISPOSAL;~~

22 ~~(ii)~~ INSPECTION; OR

23 ~~(iii)~~ (ii) RETRIEVAL FROM THE VEHICLE OF PERSONAL
 24 PROPERTY IN THE MOTOR VEHICLE THAT IS UNATTACHED TO THE VEHICLE.

25 (3) A PERSON THAT CONTRACTS WITH A POLICE DEPARTMENT TO
 26 TAKE AN ABANDONED VEHICLE INTO CUSTODY SHALL MAKE THE VEHICLE
 27 AVAILABLE TO A PERSON OF INTEREST OR THE POLICE DEPARTMENT FOR:

28 (i) ~~REMOVAL TO ANOTHER LOCATION FOR REPAIR,~~
 29 ~~STORAGE, OR DISPOSAL;~~

30 ~~(ii)~~ INSPECTION; OR

1 ~~(III)~~ **(II)** RETRIEVAL FROM THE VEHICLE OF PERSONAL
2 PROPERTY ~~IN THE VEHICLE~~ THAT IS UNATTACHED TO THE VEHICLE.

3 **(4)** A POLICE DEPARTMENT OR A PERSON THAT CONTRACTS WITH
4 A POLICE DEPARTMENT TO TAKE AN ABANDONED VEHICLE INTO CUSTODY;

5 ~~(I)~~ ~~MAY REFUSE TO ALLOW REMOVAL OF A TOWED~~
6 ~~VEHICLE TO ANOTHER LOCATION UNTIL FULL PAYMENT HAS BEEN MADE FOR~~
7 ~~ANY OUTSTANDING TOWING OR STORAGE CHARGES; AND~~

8 ~~(II)~~ ~~SHALL ACCEPT PAYMENT FOR OUTSTANDING TOWING~~
9 ~~OR STORAGE CHARGES FOR ANY TOWED VEHICLE IN THE FORM OF CASH,~~
10 ~~INSURANCE COMPANY CHECK, CERTIFIED CHECK, MONEY ORDER, DEBIT CARD,~~
11 ~~AND AT LEAST ONE COMMONLY USED, NATIONALLY RECOGNIZED CREDIT CARD~~
12 MAY SUPERVISE OR LIMIT THE HOURS FOR AN INSPECTION OR RETRIEVAL OF
13 PERSONAL PROPERTY AUTHORIZED UNDER THIS SECTION.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.